

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAY MESSMER,
Plaintiff,

v.

JOSEPH LEHMAN,
Defendant.

Case No. C04-5771RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED** as time barred.
- (3) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendant and to the Hon. J. Kelley Arnold.

DATED this 9th day of August, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE